

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. B. No. 557

Representative Mathews

A BILL

To amend sections 149.381, 149.43, and 3319.321 of 1
the Revised Code to permit schools to withhold 2
directory information and to remove directory 3
information from the public record definition. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 149.381, 149.43, and 3319.321 of 5
the Revised Code be amended to read as follows: 6

Sec. 149.381. (A) As used in this section, "records 7
commission" means a records commission created under section 8
149.39 of the Revised Code, a school district records commission 9
and an educational service center records commission created 10
under section 149.41 of the Revised Code, a library records 11
commission created under section 149.411 of the Revised Code, a 12
special taxing district records commission created under section 13
149.412 of the Revised Code, and a township records commission 14
created under section 149.42 of the Revised Code. 15

(B) When a records commission has approved an application 16
for one-time disposal of obsolete records or any schedule of 17
records retention and disposition, the records commission shall 18
send that application or schedule to the Ohio history connection 19

for its review. The Ohio history connection shall review the application or schedule within a period of not more than sixty days after its receipt of it. During the sixty-day review period, the Ohio history connection may select for its custody from the application for one-time disposal of obsolete records any records it considers to be of continuing historical value, and shall denote upon any schedule of records retention and disposition the records for which the Ohio history connection will require a certificate of records disposal prior to their disposal.

(C) Upon completion of its review, the Ohio history connection shall forward the application for one-time disposal of obsolete records or the schedule of records retention and disposition to the auditor of state for the auditor of state's approval or disapproval. The auditor of state shall approve or disapprove the application or schedule within a period of not more than sixty days after receipt of it.

(D) Before public records are to be disposed of pursuant to an approved schedule of records retention and disposition, the records commission shall inform the Ohio history connection of the disposal through the submission of a certificate of records disposal for only the records required by the schedule to be disposed of, and shall give the Ohio history connection the opportunity for a period of fifteen business days to select for its custody those public records, from the certificate submitted, that it considers to be of continuing historical value.

(E) The Ohio history connection may not review or select for its custody any of the following:

(1) Records the release of which is prohibited by section

149.432 of the Revised Code.	50
(2) Records containing personally identifiable information concerning any pupil attending a public school other than directory information, as defined in section 3319.321 of the Revised Code, without the written consent of the parent, guardian, or custodian of each such pupil who is less than eighteen years of age, or without the written consent of each pupil who is eighteen years of age or older.	51 52 53 54 55 56 57
(3) Records the release of which would, according to the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, disqualify a school or other educational institution from receiving federal funds.	58 59 60 61
Sec. 149.43. (A) As used in this section:	62
(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:	63 64 65 66 67 68 69 70
(a) Medical records;	71
(b) Records pertaining to probation and parole proceedings, to proceedings related to the imposition of community control sanctions and post-release control sanctions, or to proceedings related to determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;	72 73 74 75 76 77
(c) Records pertaining to actions under section 2151.85	78

and division (C) of section 2919.121 of the Revised Code and to	79
appeals of actions arising under those sections;	80
(d) Records pertaining to adoption proceedings, including	81
the contents of an adoption file maintained by the department of	82
health under sections 3705.12 to 3705.124 of the Revised Code;	83
(e) Information in a record contained in the putative	84
father registry established by section 3107.062 of the Revised	85
Code, regardless of whether the information is held by the	86
department of job and family services or, pursuant to section	87
3111.69 of the Revised Code, the office of child support in the	88
department or a child support enforcement agency;	89
(f) Records specified in division (A) of section 3107.52	90
of the Revised Code;	91
(g) Trial preparation records;	92
(h) Confidential law enforcement investigatory records;	93
(i) Records containing information that is confidential	94
under section 2710.03 or 4112.05 of the Revised Code;	95
(j) DNA records stored in the DNA database pursuant to	96
section 109.573 of the Revised Code;	97
(k) Inmate records released by the department of	98
rehabilitation and correction to the department of youth	99
services or a court of record pursuant to division (E) of	100
section 5120.21 of the Revised Code;	101
(l) Records maintained by the department of youth services	102
pertaining to children in its custody released by the department	103
of youth services to the department of rehabilitation and	104
correction pursuant to section 5139.05 of the Revised Code;	105

(m) Intellectual property records;	106
(n) Donor profile records;	107
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	108 109
(p) Designated public service worker residential and familial information;	110 111
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	112 113 114 115 116
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	117 118
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	119 120 121 122 123 124 125 126 127 128 129 130
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that	131 132 133 134

section;	135
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer;	136 137 138 139 140 141
(v) Records the release of which is prohibited by state or federal law;	142 143
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	144 145 146
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	147 148 149 150 151 152
(y) Records listed in section 5101.29 of the Revised Code;	153
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B) (2) of that section;	154 155 156
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	157 158 159
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	160 161 162

(cc) Information and records that are made confidential, 163
privileged, and not subject to disclosure under divisions (B) 164
and (C) of section 2949.221 of the Revised Code; 165

(dd) Personal information, as defined in section 149.45 of 166
the Revised Code; 167

(ee) The confidential name, address, and other personally 168
identifiable information of a program participant in the address 169
confidentiality program established under sections 111.41 to 170
111.47 of the Revised Code, including the contents of any 171
application for absent voter's ballots, absent voter's ballot 172
identification envelope statement of voter, or provisional 173
ballot affirmation completed by a program participant who has a 174
confidential voter registration record; records or portions of 175
records pertaining to that program that identify the number of 176
program participants that reside within a precinct, ward, 177
township, municipal corporation, county, or any other geographic 178
area smaller than the state; and any real property 179
confidentiality notice filed under section 111.431 of the 180
Revised Code and the information described in division (C) of 181
that section. As used in this division, "confidential address" 182
and "program participant" have the meaning defined in section 183
111.41 of the Revised Code. 184

(ff) Orders for active military service of an individual 185
serving or with previous service in the armed forces of the 186
United States, including a reserve component, or the Ohio 187
organized militia, except that, such order becomes a public 188
record on the day that is fifteen years after the published date 189
or effective date of the call to order; 190

(gg) The name, address, contact information, or other 191
personal information of an individual who is less than eighteen 192

years of age that is included in any record related to a traffic	193
accident involving a school vehicle in which the individual was	194
an occupant at the time of the accident;	195
(hh) Protected health information, as defined in 45 C.F.R.	196
160.103, that is in a claim for payment for a health care	197
product, service, or procedure, as well as any other health	198
claims data in another document that reveals the identity of an	199
individual who is the subject of the data or could be used to	200
reveal that individual's identity;	201
(ii) Any depiction by photograph, film, videotape, or	202
printed or digital image under either of the following	203
circumstances:	204
(i) The depiction is that of a victim of an offense the	205
release of which would be, to a reasonable person of ordinary	206
sensibilities, an offensive and objectionable intrusion into the	207
victim's expectation of bodily privacy and integrity.	208
(ii) The depiction captures or depicts the victim of a	209
sexually oriented offense, as defined in section 2950.01 of the	210
Revised Code, at the actual occurrence of that offense.	211
(jj) Restricted portions of a body-worn camera or	212
dashboard camera recording;	213
(kk) In the case of a fetal-infant mortality review board	214
acting under sections 3707.70 to 3707.77 of the Revised Code,	215
records, documents, reports, or other information presented to	216
the board or a person abstracting such materials on the board's	217
behalf, statements made by review board members during board	218
meetings, all work products of the board, and data submitted by	219
the board to the department of health or a national infant death	220
review database, other than the report prepared pursuant to	221

section 3707.77 of the Revised Code.	222
(ll) Records, documents, reports, or other information	223
presented to the pregnancy-associated mortality review board	224
established under section 3738.01 of the Revised Code,	225
statements made by board members during board meetings, all work	226
products of the board, and data submitted by the board to the	227
department of health, other than the biennial reports prepared	228
under section 3738.08 of the Revised Code;	229
(mm) Except as otherwise provided in division (A) (1) (oo)	230
of this section, telephone numbers for a victim, as defined in	231
section 2930.01 of the Revised Code or a witness to a crime that	232
are listed on any law enforcement record or report.	233
(nn) A preneed funeral contract, as defined in section	234
4717.01 of the Revised Code, and contract terms and personally	235
identifying information of a preneed funeral contract, that is	236
contained in a report submitted by or for a funeral home to the	237
board of embalmers and funeral directors under division (C) of	238
section 4717.13, division (J) of section 4717.31, or section	239
4717.41 of the Revised Code.	240
(oo) Telephone numbers for a party to a motor vehicle	241
accident subject to the requirements of section 5502.11 of the	242
Revised Code that are listed on any law enforcement record or	243
report, except that the telephone numbers described in this	244
division are not excluded from the definition of "public record"	245
under this division on and after the thirtieth day after the	246
occurrence of the motor vehicle accident.	247
(pp) Records pertaining to individuals who complete	248
training under section 5502.703 of the Revised Code to be	249
permitted by a school district board of education or governing	250

body of a community school established under Chapter 3314. of	251
the Revised Code, a STEM school established under Chapter 3326.	252
of the Revised Code, or a chartered nonpublic school to convey	253
deadly weapons or dangerous ordnance into a school safety zone;	254
(qq) Records, documents, reports, or other information	255
presented to a domestic violence fatality review board	256
established under section 307.651 of the Revised Code,	257
statements made by board members during board meetings, all work	258
products of the board, and data submitted by the board to the	259
department of health, other than a report prepared pursuant to	260
section 307.656 of the Revised Code;	261
(rr) Records, documents, and information the release of	262
which is prohibited under sections 2930.04 and 2930.07 of the	263
Revised Code;	264
(ss) Records of an existing qualified nonprofit	265
corporation that creates a special improvement district under	266
Chapter 1710. of the Revised Code that do not pertain to a	267
purpose for which the district is created.	268
(tt) <u>Directory information held by a public school as</u>	269
<u>prescribed in section 3319.321 of the Revised Code.</u>	270
A record that is not a public record under division (A) (1)	271
of this section and that, under law, is permanently retained	272
becomes a public record on the day that is seventy-five years	273
after the day on which the record was created, except for any	274
record protected by the attorney-client privilege, a trial	275
preparation record as defined in this section, a statement	276
prohibiting the release of identifying information signed under	277
section 3107.083 of the Revised Code, a denial of release form	278
filed pursuant to section 3107.46 of the Revised Code, or any	279

record that is exempt from release or disclosure under section 280
149.433 of the Revised Code. If the record is a birth 281
certificate and a biological parent's name redaction request 282
form has been accepted under section 3107.391 of the Revised 283
Code, the name of that parent shall be redacted from the birth 284
certificate before it is released under this paragraph. If any 285
other section of the Revised Code establishes a time period for 286
disclosure of a record that conflicts with the time period 287
specified in this section, the time period in the other section 288
prevails. 289

(2) "Confidential law enforcement investigatory record" 290
means any record that pertains to a law enforcement matter of a 291
criminal, quasi-criminal, civil, or administrative nature, but 292
only to the extent that the release of the record would create a 293
high probability of disclosure of any of the following: 294

(a) The identity of a suspect who has not been charged 295
with the offense to which the record pertains, or of an 296
information source or witness to whom confidentiality has been 297
reasonably promised; 298

(b) Information provided by an information source or 299
witness to whom confidentiality has been reasonably promised, 300
which information would reasonably tend to disclose the source's 301
or witness's identity; 302

(c) Specific confidential investigatory techniques or 303
procedures or specific investigatory work product; 304

(d) Information that would endanger the life or physical 305
safety of law enforcement personnel, a crime victim, a witness, 306
or a confidential information source. 307

(3) "Medical record" means any document or combination of 308

documents, except births, deaths, and the fact of admission to 309
or discharge from a hospital, that pertains to the medical 310
history, diagnosis, prognosis, or medical condition of a patient 311
and that is generated and maintained in the process of medical 312
treatment. 313

(4) "Trial preparation record" means any record that 314
contains information that is specifically compiled in reasonable 315
anticipation of, or in defense of, a civil or criminal action or 316
proceeding, including the independent thought processes and 317
personal trial preparation of an attorney. 318

(5) "Intellectual property record" means a record, other 319
than a financial or administrative record, that is produced or 320
collected by or for faculty or staff of a state institution of 321
higher learning in the conduct of or as a result of study or 322
research on an educational, commercial, scientific, artistic, 323
technical, or scholarly issue, regardless of whether the study 324
or research was sponsored by the institution alone or in 325
conjunction with a governmental body or private concern, and 326
that has not been publicly released, published, or patented. 327

(6) "Donor profile record" means all records about donors 328
or potential donors to a public institution of higher education 329
except the names and reported addresses of the actual donors and 330
the date, amount, and conditions of the actual donation. 331

(7) "Designated public service worker" means a peace 332
officer, parole officer, probation officer, bailiff, prosecuting 333
attorney, assistant prosecuting attorney, correctional employee, 334
county or multicounty corrections officer, community-based 335
correctional facility employee, designated Ohio national guard 336
member, protective services worker, youth services employee, 337
firefighter, EMT, medical director or member of a cooperating 338

physician advisory board of an emergency medical service 339
organization, state board of pharmacy employee, investigator of 340
the bureau of criminal identification and investigation, 341
emergency service telecommunicator, forensic mental health 342
provider, mental health evaluation provider, regional 343
psychiatric hospital employee, judge, magistrate, or federal law 344
enforcement officer. 345

(8) "Designated public service worker residential and 346
familial information" means any information that discloses any 347
of the following about a designated public service worker: 348

(a) The address of the actual personal residence of a 349
designated public service worker, except for the following 350
information: 351

(i) The address of the actual personal residence of a 352
prosecuting attorney or judge; and 353

(ii) The state or political subdivision in which a 354
designated public service worker resides. 355

(b) Information compiled from referral to or participation 356
in an employee assistance program; 357

(c) The social security number, the residential telephone 358
number, any bank account, debit card, charge card, or credit 359
card number, or the emergency telephone number of, or any 360
medical information pertaining to, a designated public service 361
worker; 362

(d) The name of any beneficiary of employment benefits, 363
including, but not limited to, life insurance benefits, provided 364
to a designated public service worker by the designated public 365
service worker's employer; 366

(e) The identity and amount of any charitable or 367
employment benefit deduction made by the designated public 368
service worker's employer from the designated public service 369
worker's compensation, unless the amount of the deduction is 370
required by state or federal law; 371

(f) The name, the residential address, the name of the 372
employer, the address of the employer, the social security 373
number, the residential telephone number, any bank account, 374
debit card, charge card, or credit card number, or the emergency 375
telephone number of the spouse, a former spouse, or any child of 376
a designated public service worker; 377

(g) A photograph of a peace officer who holds a position 378
or has an assignment that may include undercover or plain 379
clothes positions or assignments as determined by the peace 380
officer's appointing authority. 381

(9) As used in divisions (A) (7) and (15) to (17) of this 382
section: 383

"Peace officer" has the meaning defined in section 109.71 384
of the Revised Code and also includes the superintendent and 385
troopers of the state highway patrol; it does not include the 386
sheriff of a county or a supervisory employee who, in the 387
absence of the sheriff, is authorized to stand in for, exercise 388
the authority of, and perform the duties of the sheriff. 389

"Correctional employee" means any employee of the 390
department of rehabilitation and correction who in the course of 391
performing the employee's job duties has or has had contact with 392
inmates and persons under supervision. 393

"County or multicounty corrections officer" means any 394
corrections officer employed by any county or multicounty 395

correctional facility.	396
"Designated Ohio national guard member" means a member of the Ohio national guard who is participating in duties related to remotely piloted aircraft, including, but not limited to, pilots, sensor operators, and mission intelligence personnel, duties related to special forces operations, or duties related to cybersecurity, and is designated by the adjutant general as a designated public service worker for those purposes.	397 398 399 400 401 402 403
"Protective services worker" means any employee of a county agency who is responsible for child protective services, child support services, or adult protective services.	404 405 406
"Youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.	407 408 409 410
"Firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.	411 412 413
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the meanings defined in section 4765.01 of the Revised Code.	414 415 416 417 418
"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.	419 420 421
"Emergency service telecommunicator" means an individual employed by an emergency service provider as defined under section 128.01 of the Revised Code, whose primary responsibility	422 423 424

is to be an operator for the receipt or processing of calls for 425
emergency services made by telephone, radio, or other electronic 426
means. 427

"Forensic mental health provider" means any employee of a 428
community mental health service provider or local alcohol, drug 429
addiction, and mental health services board who, in the course 430
of the employee's duties, has contact with persons committed to 431
a local alcohol, drug addiction, and mental health services 432
board by a court order pursuant to section 2945.38, 2945.39, 433
2945.40, or 2945.402 of the Revised Code. 434

"Mental health evaluation provider" means an individual 435
who, under Chapter 5122. of the Revised Code, examines a 436
respondent who is alleged to be a mentally ill person subject to 437
court order, as defined in section 5122.01 of the Revised Code, 438
and reports to the probate court the respondent's mental 439
condition. 440

"Regional psychiatric hospital employee" means any 441
employee of the department of mental health and addiction 442
services who, in the course of performing the employee's duties, 443
has contact with patients committed to the department of mental 444
health and addiction services by a court order pursuant to 445
section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised 446
Code. 447

"Federal law enforcement officer" has the meaning defined 448
in section 9.88 of the Revised Code. 449

(10) "Information pertaining to the recreational 450
activities of a person under the age of eighteen" means 451
information that is kept in the ordinary course of business by a 452
public office, that pertains to the recreational activities of a 453

person under the age of eighteen years, and that discloses any 454
of the following: 455

(a) The address or telephone number of a person under the 456
age of eighteen or the address or telephone number of that 457
person's parent, guardian, custodian, or emergency contact 458
person; 459

(b) The social security number, birth date, or 460
photographic image of a person under the age of eighteen; 461

(c) Any medical record, history, or information pertaining 462
to a person under the age of eighteen; 463

(d) Any additional information sought or required about a 464
person under the age of eighteen for the purpose of allowing 465
that person to participate in any recreational activity 466
conducted or sponsored by a public office or to use or obtain 467
admission privileges to any recreational facility owned or 468
operated by a public office. 469

(11) "Community control sanction" has the meaning defined 470
in section 2929.01 of the Revised Code. 471

(12) "Post-release control sanction" has the meaning 472
defined in section 2967.01 of the Revised Code. 473

(13) "Redaction" means obscuring or deleting any 474
information that is exempt from the duty to permit public 475
inspection or copying from an item that otherwise meets the 476
definition of a "record" in section 149.011 of the Revised Code. 477

(14) "Designee," "elected official," and "future official" 478
have the meanings defined in section 109.43 of the Revised Code. 479

(15) "Body-worn camera" means a visual and audio recording 480
device worn on the person of a correctional employee, youth 481

services employee, or peace officer while the correctional 482
employee, youth services employee, or peace officer is engaged 483
in the performance of official duties. 484

(16) "Dashboard camera" means a visual and audio recording 485
device mounted on a peace officer's vehicle or vessel that is 486
used while the peace officer is engaged in the performance of 487
the peace officer's duties. 488

(17) "Restricted portions of a body-worn camera or 489
dashboard camera recording" means any visual or audio portion of 490
a body-worn camera or dashboard camera recording that shows, 491
communicates, or discloses any of the following: 492

(a) The image or identity of a child or information that 493
could lead to the identification of a child who is a primary 494
subject of the recording when the department of rehabilitation 495
and correction, department of youth services, or the law 496
enforcement agency knows or has reason to know the person is a 497
child based on the department's or law enforcement agency's 498
records or the content of the recording; 499

(b) The death of a person or a deceased person's body, 500
unless the death was caused by a correctional employee, youth 501
services employee, or peace officer or, subject to division (H) 502
(1) of this section, the consent of the decedent's executor or 503
administrator has been obtained; 504

(c) The death of a correctional employee, youth services 505
employee, peace officer, firefighter, paramedic, or other first 506
responder, occurring while the decedent was engaged in the 507
performance of official duties, unless, subject to division (H) 508
(1) of this section, the consent of the decedent's executor or 509
administrator has been obtained; 510

(d) Grievous bodily harm, unless the injury was effected 511
by a correctional employee, youth services employee, or peace 512
officer or, subject to division (H) (1) of this section, the 513
consent of the injured person or the injured person's guardian 514
has been obtained; 515

(e) An act of severe violence against a person that 516
results in serious physical harm to the person, unless the act 517
and injury was effected by a correctional employee, youth 518
services employee, or peace officer or, subject to division (H) 519
(1) of this section, the consent of the injured person or the 520
injured person's guardian has been obtained; 521

(f) Grievous bodily harm to a correctional employee, youth 522
services employee, peace officer, firefighter, paramedic, or 523
other first responder, occurring while the injured person was 524
engaged in the performance of official duties, unless, subject 525
to division (H) (1) of this section, the consent of the injured 526
person or the injured person's guardian has been obtained; 527

(g) An act of severe violence resulting in serious 528
physical harm against a correctional employee, youth services 529
employee, peace officer, firefighter, paramedic, or other first 530
responder, occurring while the injured person was engaged in the 531
performance of official duties, unless, subject to division (H) 532
(1) of this section, the consent of the injured person or the 533
injured person's guardian has been obtained; 534

(h) A person's nude body, unless, subject to division (H) 535
(1) of this section, the person's consent has been obtained; 536

(i) Protected health information, the identity of a person 537
in a health care facility who is not the subject of a 538
correctional, youth services, or law enforcement encounter, or 539

any other information in a health care facility that could 540
identify a person who is not the subject of a correctional, 541
youth services, or law enforcement encounter; 542

(j) Information that could identify the alleged victim of 543
a sex offense, menacing by stalking, or domestic violence; 544

(k) Information, that does not constitute a confidential 545
law enforcement investigatory record, that could identify a 546
person who provides sensitive or confidential information to the 547
department of rehabilitation and correction, the department of 548
youth services, or a law enforcement agency when the disclosure 549
of the person's identity or the information provided could 550
reasonably be expected to threaten or endanger the safety or 551
property of the person or another person; 552

(l) Personal information of a person who is not arrested, 553
cited, charged, or issued a written warning by a peace officer; 554

(m) Proprietary correctional, youth services, or police 555
contingency plans or tactics that are intended to prevent crime 556
and maintain public order and safety; 557

(n) A personal conversation unrelated to work between 558
correctional employees, youth services employees, or peace 559
officers or between a correctional employee, youth services 560
employee, or peace officer and an employee of a law enforcement 561
agency; 562

(o) A conversation between a correctional employee, youth 563
services employee, or peace officer and a member of the public 564
that does not concern correctional, youth services, or law 565
enforcement activities; 566

(p) The interior of a residence, unless the interior of a 567
residence is the location of an adversarial encounter with, or a 568

use of force by, a correctional employee, youth services 569
employee, or peace officer; 570

(q) Any portion of the interior of a private business that 571
is not open to the public, unless an adversarial encounter with, 572
or a use of force by, a correctional employee, youth services 573
employee, or peace officer occurs in that location. 574

As used in division (A) (17) of this section: 575

"Grievous bodily harm" has the same meaning as in section 576
5924.120 of the Revised Code. 577

"Health care facility" has the same meaning as in section 578
1337.11 of the Revised Code. 579

"Protected health information" has the same meaning as in 580
45 C.F.R. 160.103. 581

"Law enforcement agency" means a government entity that 582
employs peace officers to perform law enforcement duties. 583

"Personal information" means any government-issued 584
identification number, date of birth, address, financial 585
information, or criminal justice information from the law 586
enforcement automated data system or similar databases. 587

"Sex offense" has the same meaning as in section 2907.10 588
of the Revised Code. 589

"Firefighter," "paramedic," and "first responder" have the 590
same meanings as in section 4765.01 of the Revised Code. 591

(B) (1) Upon request by any person and subject to division 592
(B) (8) of this section, all public records responsive to the 593
request shall be promptly prepared and made available for 594
inspection to the requester at all reasonable times during 595

regular business hours. Subject to division (B)(8) of this 596
section, upon request by any person, a public office or person 597
responsible for public records shall make copies of the 598
requested public record available to the requester at cost and 599
within a reasonable period of time. If a public record contains 600
information that is exempt from the duty to permit public 601
inspection or to copy the public record, the public office or 602
the person responsible for the public record shall make 603
available all of the information within the public record that 604
is not exempt. When making that public record available for 605
public inspection or copying that public record, the public 606
office or the person responsible for the public record shall 607
notify the requester of any redaction or make the redaction 608
plainly visible. A redaction shall be deemed a denial of a 609
request to inspect or copy the redacted information, except if 610
federal or state law authorizes or requires a public office to 611
make the redaction. When the auditor of state receives a request 612
to inspect or to make a copy of a record that was provided to 613
the auditor of state for purposes of an audit, but the original 614
public office has asserted to the auditor of state that the 615
record is not a public record, the auditor of state may handle 616
the requests by directing the requestor to the original public 617
office that provided the record to the auditor of state. 618

(2) To facilitate broader access to public records, a 619
public office or the person responsible for public records shall 620
organize and maintain public records in a manner that they can 621
be made available for inspection or copying in accordance with 622
division (B) of this section. A public office also shall have 623
available a copy of its current records retention schedule at a 624
location readily available to the public. If a requester makes 625
an ambiguous or overly broad request or has difficulty in making 626

a request for copies or inspection of public records under this 627
section such that the public office or the person responsible 628
for the requested public record cannot reasonably identify what 629
public records are being requested, the public office or the 630
person responsible for the requested public record may deny the 631
request but shall provide the requester with an opportunity to 632
revise the request by informing the requester of the manner in 633
which records are maintained by the public office and accessed 634
in the ordinary course of the public office's or person's 635
duties. 636

(3) If a request is ultimately denied, in part or in 637
whole, the public office or the person responsible for the 638
requested public record shall provide the requester with an 639
explanation, including legal authority, setting forth why the 640
request was denied. If the initial request was provided in 641
writing, the explanation also shall be provided to the requester 642
in writing. The explanation shall not preclude the public office 643
or the person responsible for the requested public record from 644
relying upon additional reasons or legal authority in defending 645
an action commenced under division (C) of this section. 646

(4) Unless specifically required or authorized by state or 647
federal law or in accordance with division (B) of this section, 648
no public office or person responsible for public records may 649
limit or condition the availability of public records by 650
requiring disclosure of the requester's identity or the intended 651
use of the requested public record. Any requirement that the 652
requester disclose the requester's identity or the intended use 653
of the requested public record constitutes a denial of the 654
request. 655

(5) A public office or person responsible for public 656

records may ask a requester to make the request in writing, may 657
ask for the requester's identity, and may inquire about the 658
intended use of the information requested, but may do so only 659
after disclosing to the requester that a written request is not 660
mandatory, that the requester may decline to reveal the 661
requester's identity or the intended use, and when a written 662
request or disclosure of the identity or intended use would 663
benefit the requester by enhancing the ability of the public 664
office or person responsible for public records to identify, 665
locate, or deliver the public records sought by the requester. 666

(6) If any person requests a copy of a public record in 667
accordance with division (B) of this section, the public office 668
or person responsible for the public record may require the 669
requester to pay in advance the cost involved in providing the 670
copy of the public record in accordance with the choice made by 671
the requester under this division. The public office or the 672
person responsible for the public record shall permit the 673
requester to choose to have the public record duplicated upon 674
paper, upon the same medium upon which the public office or 675
person responsible for the public record keeps it, or upon any 676
other medium upon which the public office or person responsible 677
for the public record determines that it reasonably can be 678
duplicated as an integral part of the normal operations of the 679
public office or person responsible for the public record. When 680
the requester makes a choice under this division, the public 681
office or person responsible for the public record shall provide 682
a copy of it in accordance with the choice made by the 683
requester. Nothing in this section requires a public office or 684
person responsible for the public record to allow the requester 685
of a copy of the public record to make the copies of the public 686
record. 687

(7) (a) Upon a request made in accordance with division (B) 688
of this section and subject to division (B) (6) of this section, 689
a public office or person responsible for public records shall 690
transmit a copy of a public record to any person by United 691
States mail or by any other means of delivery or transmission 692
within a reasonable period of time after receiving the request 693
for the copy. The public office or person responsible for the 694
public record may require the person making the request to pay 695
in advance the cost of postage if the copy is transmitted by 696
United States mail or the cost of delivery if the copy is 697
transmitted other than by United States mail, and to pay in 698
advance the costs incurred for other supplies used in the 699
mailing, delivery, or transmission. 700

(b) Any public office may adopt a policy and procedures 701
that it will follow in transmitting, within a reasonable period 702
of time after receiving a request, copies of public records by 703
United States mail or by any other means of delivery or 704
transmission pursuant to division (B) (7) of this section. A 705
public office that adopts a policy and procedures under division 706
(B) (7) of this section shall comply with them in performing its 707
duties under that division. 708

(c) In any policy and procedures adopted under division 709
(B) (7) of this section: 710

(i) A public office may limit the number of records 711
requested by a person that the office will physically deliver by 712
United States mail or by another delivery service to ten per 713
month, unless the person certifies to the office in writing that 714
the person does not intend to use or forward the requested 715
records, or the information contained in them, for commercial 716
purposes; 717

(ii) A public office that chooses to provide some or all 718
of its public records on a web site that is fully accessible to 719
and searchable by members of the public at all times, other than 720
during acts of God outside the public office's control or 721
maintenance, and that charges no fee to search, access, 722
download, or otherwise receive records provided on the web site, 723
may limit to ten per month the number of records requested by a 724
person that the office will deliver in a digital format, unless 725
the requested records are not provided on the web site and 726
unless the person certifies to the office in writing that the 727
person does not intend to use or forward the requested records, 728
or the information contained in them, for commercial purposes. 729

(iii) For purposes of division (B) (7) of this section, 730
"commercial" shall be narrowly construed and does not include 731
reporting or gathering news, reporting or gathering information 732
to assist citizen oversight or understanding of the operation or 733
activities of government, or nonprofit educational research. 734

(8) A public office or person responsible for public 735
records is not required to permit a person who is incarcerated 736
pursuant to a criminal conviction or a juvenile adjudication to 737
inspect or to obtain a copy of any public record concerning a 738
criminal investigation or prosecution or concerning what would 739
be a criminal investigation or prosecution if the subject of the 740
investigation or prosecution were an adult, unless the request 741
to inspect or to obtain a copy of the record is for the purpose 742
of acquiring information that is subject to release as a public 743
record under this section and the judge who imposed the sentence 744
or made the adjudication with respect to the person, or the 745
judge's successor in office, finds that the information sought 746
in the public record is necessary to support what appears to be 747
a justiciable claim of the person. 748

(9) (a) Upon written request made and signed by a 749
journalist, a public office, or person responsible for public 750
records, having custody of the records of the agency employing a 751
specified designated public service worker shall disclose to the 752
journalist the address of the actual personal residence of the 753
designated public service worker and, if the designated public 754
service worker's spouse, former spouse, or child is employed by 755
a public office, the name and address of the employer of the 756
designated public service worker's spouse, former spouse, or 757
child. The request shall include the journalist's name and title 758
and the name and address of the journalist's employer and shall 759
state that disclosure of the information sought would be in the 760
public interest. 761

(b) Division (B) (9) (a) of this section also applies to 762
journalist requests for: 763

(i) Customer information maintained by a municipally owned 764
or operated public utility, other than social security numbers 765
and any private financial information such as credit reports, 766
payment methods, credit card numbers, and bank account 767
information; 768

(ii) Information about minors involved in a school vehicle 769
accident as provided in division (A) (1) (gg) of this section, 770
other than personal information as defined in section 149.45 of 771
the Revised Code. 772

(c) As used in division (B) (9) of this section, 773
"journalist" means a person engaged in, connected with, or 774
employed by any news medium, including a newspaper, magazine, 775
press association, news agency, or wire service, a radio or 776
television station, or a similar medium, for the purpose of 777
gathering, processing, transmitting, compiling, editing, or 778

disseminating information for the general public. 779

(10) Upon a request made by a victim, victim's attorney, 780
or victim's representative, as that term is used in section 781
2930.02 of the Revised Code, a public office or person 782
responsible for public records shall transmit a copy of a 783
depiction of the victim as described in division (A) (1) (ii) of 784
this section to the victim, victim's attorney, or victim's 785
representative. 786

(C) (1) If a person allegedly is aggrieved by the failure 787
of a public office or the person responsible for public records 788
to promptly prepare a public record and to make it available to 789
the person for inspection in accordance with division (B) of 790
this section or by any other failure of a public office or the 791
person responsible for public records to comply with an 792
obligation in accordance with division (B) of this section, the 793
person allegedly aggrieved may do only one of the following, and 794
not both: 795

(a) File a complaint with the clerk of the court of claims 796
or the clerk of the court of common pleas under section 2743.75 797
of the Revised Code; 798

(b) Commence a mandamus action to obtain a judgment that 799
orders the public office or the person responsible for the 800
public record to comply with division (B) of this section, that 801
awards court costs and reasonable attorney's fees to the person 802
that instituted the mandamus action, and, if applicable, that 803
includes an order fixing statutory damages under division (C) (2) 804
of this section. The mandamus action may be commenced in the 805
court of common pleas of the county in which division (B) of 806
this section allegedly was not complied with, in the supreme 807
court pursuant to its original jurisdiction under Section 2 of 808

Article IV, Ohio Constitution, or in the court of appeals for 809
the appellate district in which division (B) of this section 810
allegedly was not complied with pursuant to its original 811
jurisdiction under Section 3 of Article IV, Ohio Constitution. 812

(2) If a requester transmits a written request by hand 813
delivery, electronic submission, or certified mail to inspect or 814
receive copies of any public record in a manner that fairly 815
describes the public record or class of public records to the 816
public office or person responsible for the requested public 817
records, except as otherwise provided in this section, the 818
requester shall be entitled to recover the amount of statutory 819
damages set forth in this division if a court determines that 820
the public office or the person responsible for public records 821
failed to comply with an obligation in accordance with division 822
(B) of this section. 823

The amount of statutory damages shall be fixed at one 824
hundred dollars for each business day during which the public 825
office or person responsible for the requested public records 826
failed to comply with an obligation in accordance with division 827
(B) of this section, beginning with the day on which the 828
requester files a mandamus action to recover statutory damages, 829
up to a maximum of one thousand dollars. The award of statutory 830
damages shall not be construed as a penalty, but as compensation 831
for injury arising from lost use of the requested information. 832
The existence of this injury shall be conclusively presumed. The 833
award of statutory damages shall be in addition to all other 834
remedies authorized by this section. 835

The court may reduce an award of statutory damages or not 836
award statutory damages if the court determines both of the 837
following: 838

(a) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to comply with an obligation in accordance with division (B) of this section;

(b) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(3) In a mandamus action filed under division (C) (1) of this section, the following apply:

(a) (i) If the court orders the public office or the person responsible for the public record to comply with division (B) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(ii) If the court makes a determination described in division (C) (3) (b) (iii) of this section, the court shall determine and award to the relator all court costs, which shall be construed as remedial and not punitive.

(b) If the court renders a judgment that orders the public office or the person responsible for the public record to comply with division (B) of this section or if the court determines any of the following, the court may award reasonable attorney's fees to the relator, subject to division (C) (4) of this section:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division (B) of this section. No discovery may be conducted on the issue of the alleged bad faith of the public office or person responsible for the public records. This division shall not be construed as creating a presumption that the public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order described in this division.

(c) The court shall not award attorney's fees to the

relator if the court determines both of the following: 898

(i) That, based on the ordinary application of statutory 899
law and case law as it existed at the time of the conduct or 900
threatened conduct of the public office or person responsible 901
for the requested public records that allegedly constitutes a 902
failure to comply with an obligation in accordance with division 903
(B) of this section and that was the basis of the mandamus 904
action, a well-informed public office or person responsible for 905
the requested public records reasonably would believe that the 906
conduct or threatened conduct of the public office or person 907
responsible for the requested public records did not constitute 908
a failure to comply with an obligation in accordance with 909
division (B) of this section; 910

(ii) That a well-informed public office or person 911
responsible for the requested public records reasonably would 912
believe that the conduct or threatened conduct of the public 913
office or person responsible for the requested public records 914
would serve the public policy that underlies the authority that 915
is asserted as permitting that conduct or threatened conduct. 916

(4) All of the following apply to any award of reasonable 917
attorney's fees awarded under division (C) (3) (b) of this 918
section: 919

(a) The fees shall be construed as remedial and not 920
punitive. 921

(b) The fees awarded shall not exceed the total of the 922
reasonable attorney's fees incurred before the public record was 923
made available to the relator and the fees described in division 924
(C) (4) (c) of this section. 925

(c) Reasonable attorney's fees shall include reasonable 926

fees incurred to produce proof of the reasonableness and amount 927
of the fees and to otherwise litigate entitlement to the fees. 928

(d) The court may reduce the amount of fees awarded if the 929
court determines that, given the factual circumstances involved 930
with the specific public records request, an alternative means 931
should have been pursued to more effectively and efficiently 932
resolve the dispute that was subject to the mandamus action 933
filed under division (C)(1) of this section. 934

(5) If the court does not issue a writ of mandamus under 935
division (C) of this section and the court determines at that 936
time that the bringing of the mandamus action was frivolous 937
conduct as defined in division (A) of section 2323.51 of the 938
Revised Code, the court may award to the public office all court 939
costs, expenses, and reasonable attorney's fees, as determined 940
by the court. 941

(D) Chapter 1347. of the Revised Code does not limit the 942
provisions of this section. 943

(E)(1) To ensure that all employees of public offices are 944
appropriately educated about a public office's obligations under 945
division (B) of this section, all elected officials or their 946
appropriate designees shall attend training approved by the 947
attorney general as provided in section 109.43 of the Revised 948
Code. A future official may satisfy the requirements of this 949
division by attending the training before taking office, 950
provided that the future official may not send a designee in the 951
future official's place. 952

(2) All public offices shall adopt a public records policy 953
in compliance with this section for responding to public records 954
requests. In adopting a public records policy under this 955

division, a public office may obtain guidance from the model 956
public records policy developed and provided to the public 957
office by the attorney general under section 109.43 of the 958
Revised Code. Except as otherwise provided in this section, the 959
policy may not limit the number of public records that the 960
public office will make available to a single person, may not 961
limit the number of public records that it will make available 962
during a fixed period of time, and may not establish a fixed 963
period of time before it will respond to a request for 964
inspection or copying of public records, unless that period is 965
less than eight hours. 966

The public office shall distribute the public records 967
policy adopted by the public office under this division to the 968
employee of the public office who is the records custodian or 969
records manager or otherwise has custody of the records of that 970
office. The public office shall require that employee to 971
acknowledge receipt of the copy of the public records policy. 972
The public office shall create a poster that describes its 973
public records policy and shall post the poster in a conspicuous 974
place in the public office and in all locations where the public 975
office has branch offices. The public office may post its public 976
records policy on the internet web site of the public office if 977
the public office maintains an internet web site. A public 978
office that has established a manual or handbook of its general 979
policies and procedures for all employees of the public office 980
shall include the public records policy of the public office in 981
the manual or handbook. 982

(F) (1) The bureau of motor vehicles may adopt rules 983
pursuant to Chapter 119. of the Revised Code to reasonably limit 984
the number of bulk commercial special extraction requests made 985
by a person for the same records or for updated records during a 986

calendar year. The rules may include provisions for charges to 987
be made for bulk commercial special extraction requests for the 988
actual cost of the bureau, plus special extraction costs, plus 989
ten per cent. The bureau may charge for expenses for redacting 990
information, the release of which is prohibited by law. 991

(2) As used in division (F)(1) of this section: 992

(a) "Actual cost" means the cost of depleted supplies, 993
records storage media costs, actual mailing and alternative 994
delivery costs, or other transmitting costs, and any direct 995
equipment operating and maintenance costs, including actual 996
costs paid to private contractors for copying services. 997

(b) "Bulk commercial special extraction request" means a 998
request for copies of a record for information in a format other 999
than the format already available, or information that cannot be 1000
extracted without examination of all items in a records series, 1001
class of records, or database by a person who intends to use or 1002
forward the copies for surveys, marketing, solicitation, or 1003
resale for commercial purposes. "Bulk commercial special 1004
extraction request" does not include a request by a person who 1005
gives assurance to the bureau that the person making the request 1006
does not intend to use or forward the requested copies for 1007
surveys, marketing, solicitation, or resale for commercial 1008
purposes. 1009

(c) "Commercial" means profit-seeking production, buying, 1010
or selling of any good, service, or other product. 1011

(d) "Special extraction costs" means the cost of the time 1012
spent by the lowest paid employee competent to perform the task, 1013
the actual amount paid to outside private contractors employed 1014
by the bureau, or the actual cost incurred to create computer 1015

programs to make the special extraction. "Special extraction 1016
costs" include any charges paid to a public agency for computer 1017
or records services. 1018

(3) For purposes of divisions (F) (1) and (2) of this 1019
section, "surveys, marketing, solicitation, or resale for 1020
commercial purposes" shall be narrowly construed and does not 1021
include reporting or gathering news, reporting or gathering 1022
information to assist citizen oversight or understanding of the 1023
operation or activities of government, or nonprofit educational 1024
research. 1025

(G) A request by a defendant, counsel of a defendant, or 1026
any agent of a defendant in a criminal action that public 1027
records related to that action be made available under this 1028
section shall be considered a demand for discovery pursuant to 1029
the Criminal Rules, except to the extent that the Criminal Rules 1030
plainly indicate a contrary intent. The defendant, counsel of 1031
the defendant, or agent of the defendant making a request under 1032
this division shall serve a copy of the request on the 1033
prosecuting attorney, director of law, or other chief legal 1034
officer responsible for prosecuting the action. 1035

(H) (1) Any portion of a body-worn camera or dashboard 1036
camera recording described in divisions (A) (17) (b) to (h) of 1037
this section may be released by consent of the subject of the 1038
recording or a representative of that person, as specified in 1039
those divisions, only if either of the following applies: 1040

(a) The recording will not be used in connection with any 1041
probable or pending criminal proceedings; 1042

(b) The recording has been used in connection with a 1043
criminal proceeding that was dismissed or for which a judgment 1044

has been entered pursuant to Rule 32 of the Rules of Criminal Procedure, and will not be used again in connection with any probable or pending criminal proceedings.

(2) If a public office denies a request to release a restricted portion of a body-worn camera or dashboard camera recording, as defined in division (A)(17) of this section, any person may file a mandamus action pursuant to this section or a complaint with the clerk of the court of claims pursuant to section 2743.75 of the Revised Code, requesting the court to order the release of all or portions of the recording. If the court considering the request determines that the filing articulates by clear and convincing evidence that the public interest in the recording substantially outweighs privacy interests and other interests asserted to deny release, the court shall order the public office to release the recording.

Sec. 3319.321. (A) No person shall release, or permit access to, the directory information concerning any students attending a public school to any person or group for use in a profit-making plan or activity. Notwithstanding division (B)(4) of section 149.43 of the Revised Code, a person may require disclosure of the requestor's identity or the intended use of the directory information concerning any students attending a public school to ascertain whether the directory information is for use in a profit-making plan or activity.

(B) No person shall release, or permit access to, personally identifiable information, other than directory information under divisions (B)(2)(a) and (b) of this section, concerning any student attending a public school, for purposes other than those identified in division (C), (E), (G), or (H) of this section, without the written consent of the parent,

guardian, or custodian of each such student who is less than 1075
eighteen years of age, or without the written consent of each 1076
such student who is eighteen years of age or older. 1077

(1) For purposes of this section, "directory information" 1078
includes a student's name, address, telephone listing, date and 1079
place of birth, major field of study, participation in 1080
officially recognized activities and sports, weight and height 1081
of members of athletic teams, dates of attendance, date of 1082
graduation, and awards received. 1083

(2) (a) Except as provided in ~~division~~divisions (B) (2) (b) 1084
and (c) of this section, ~~no~~if a school district board of 1085
education ~~shall impose any restriction on the presentation of~~ 1086
elects to release directory information that it has designated 1087
as subject to release in accordance with the "Family Educational 1088
Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232q, 1089
as amended, to representatives of the armed forces, business, 1090
industry, charitable institutions, other employers, and 1091
institutions of higher education ~~unless such any restriction is~~ 1092
it imposes on the presentation of that information shall be 1093
uniformly imposed on each of these types of representatives, 1094
except that if a student eighteen years of age or older or a 1095
student's parent, guardian, or custodian has informed the board 1096
that any or all such information should not be released without 1097
such person's prior written consent, the board shall not release 1098
that information without such person's prior written consent. 1099

(b) The names and addresses of students in grades ten 1100
through twelve shall be released to a recruiting officer for any 1101
branch of the United States armed forces who requests such 1102
information, except that such data shall not be released if the 1103
student or student's parent, guardian, or custodian submits to 1104

the board a written request not to release such data. Any data 1105
received by a recruiting officer shall be used solely for the 1106
purpose of providing information to students regarding military 1107
service and shall not be released to any person other than 1108
individuals within the recruiting services of the armed forces. 1109

(c) Except as provided in division (B)(2)(b) of this 1110
section, a school district board of education may choose not to 1111
release, or permit access to, any student's directory 1112
information. 1113

(3) Except for directory information and except as 1114
provided in division (E), (G), or (H) of this section, 1115
information covered by this section that is released shall only 1116
be transferred to a third or subsequent party on the condition 1117
that such party will not permit any other party to have access 1118
to such information without written consent of the parent, 1119
guardian, or custodian, or of the student who is eighteen years 1120
of age or older. 1121

(4) Except as otherwise provided in this section, any 1122
parent of a student may give the written parental consent 1123
required under this section. Where parents are separated or 1124
divorced, the written parental consent required under this 1125
section may be obtained from either parent, subject to any 1126
agreement between such parents or court order governing the 1127
rights of such parents. In the case of a student whose legal 1128
guardian is in an institution, a person independent of the 1129
institution who has no other conflicting interests in the case 1130
shall be appointed by the board of education of the school 1131
district in which the institution is located to give the written 1132
parental consent required under this section. 1133

(5) (a) A parent of a student who is not the student's 1134

residential parent, upon request, shall be permitted access to 1135
any records or information concerning the student under the same 1136
terms and conditions under which access to the records or 1137
information is available to the residential parent of that 1138
student, provided that the access of the parent who is not the 1139
residential parent is subject to any agreement between the 1140
parents, to division (F) of this section, and, to the extent 1141
described in division (B) (5) (b) of this section, is subject to 1142
any court order issued pursuant to section 3109.051 of the 1143
Revised Code and any other court order governing the rights of 1144
the parents. 1145

(b) If the residential parent of a student has presented 1146
the keeper of a record or information that is related to the 1147
student with a copy of an order issued under division (H) (1) of 1148
section 3109.051 of the Revised Code that limits the terms and 1149
conditions under which the parent who is not the residential 1150
parent of the student is to have access to records and 1151
information pertaining to the student or with a copy of any 1152
other court order governing the rights of the parents that so 1153
limits those terms and conditions, and if the order pertains to 1154
the record or information in question, the keeper of the record 1155
or information shall provide access to the parent who is not the 1156
residential parent only to the extent authorized in the order. 1157
If the residential parent has presented the keeper of the record 1158
or information with such an order, the keeper of the record 1159
shall permit the parent who is not the residential parent to 1160
have access to the record or information only in accordance with 1161
the most recent such order that has been presented to the keeper 1162
by the residential parent or the parent who is not the 1163
residential parent. 1164

(C) Nothing in this section shall limit the administrative 1165

use of public school records by a person acting exclusively in 1166
the person's capacity as an employee of a board of education or 1167
of the state or any of its political subdivisions, any court, or 1168
the federal government, and nothing in this section shall 1169
prevent the transfer of a student's record to an educational 1170
institution for a legitimate educational purpose. However, 1171
except as provided in this section, public school records shall 1172
not be released or made available for any other purpose. 1173
Fingerprints, photographs, or records obtained pursuant to 1174
section 3313.96 or 3319.322 of the Revised Code, or pursuant to 1175
division (E) of this section, or any medical, psychological, 1176
guidance, counseling, or other information that is derived from 1177
the use of the fingerprints, photographs, or records, shall not 1178
be admissible as evidence against the minor who is the subject 1179
of the fingerprints, photographs, or records in any proceeding 1180
in any court. The provisions of this division regarding the 1181
administrative use of records by an employee of the state or any 1182
of its political subdivisions or of a court or the federal 1183
government shall be applicable only when the use of the 1184
information is required by a state statute adopted before 1185
November 19, 1974, or by federal law. 1186

(D) A board of education may require, subject to division 1187
(E) of this section, a person seeking to obtain copies of public 1188
school records to pay the cost of reproduction and, in the case 1189
of data released under division (B) (2) (b) of this section, to 1190
pay for any mailing costs, which payment shall not exceed the 1191
actual cost to the school. 1192

(E) A principal or chief administrative officer of a 1193
public school, or any employee of a public school who is 1194
authorized to handle school records, shall provide access to a 1195
student's records to a law enforcement officer who indicates 1196

that the officer is conducting an investigation and that the 1197
student is or may be a missing child, as defined in section 1198
2901.30 of the Revised Code. Free copies of information in the 1199
student's record shall be provided, upon request, to the law 1200
enforcement officer, if prior approval is given by the student's 1201
parent, guardian, or legal custodian. Information obtained by 1202
the officer shall be used solely in the investigation of the 1203
case. The information may be used by law enforcement agency 1204
personnel in any manner that is appropriate in solving the case, 1205
including, but not limited to, providing the information to 1206
other law enforcement officers and agencies and to the bureau of 1207
criminal identification and investigation for purposes of 1208
computer integration pursuant to section 2901.30 of the Revised 1209
Code. 1210

(F) No person shall release to a parent of a student who 1211
is not the student's residential parent or to any other person, 1212
or permit a parent of a student who is not the student's 1213
residential parent or permit any other person to have access to, 1214
any information about the location of any elementary or 1215
secondary school to which a student has transferred or 1216
information that would enable the parent who is not the 1217
student's residential parent or the other person to determine 1218
the location of that elementary or secondary school, if the 1219
elementary or secondary school to which the student has 1220
transferred and that requested the records of the student under 1221
section 3313.672 of the Revised Code informs the elementary or 1222
secondary school from which the student's records are obtained 1223
that the student is under the care of a shelter for victims of 1224
domestic violence, as defined in section 3113.33 of the Revised 1225
Code. 1226

(G) A principal or chief administrative officer of a 1227

public school, or any employee of a public school who is 1228
authorized to handle school records, shall comply with any order 1229
issued pursuant to division (D) (1) of section 2151.14 of the 1230
Revised Code, any request for records that is properly made 1231
pursuant to division (D) (3) (a) of section 2151.14 or division 1232
(A) of section 2151.141 of the Revised Code, and any 1233
determination that is made by a court pursuant to division (D) 1234
(3) (b) of section 2151.14 or division (B) (1) of section 2151.141 1235
of the Revised Code. 1236

(H) Notwithstanding any provision of this section, a 1237
principal of a public school, to the extent permitted by the 1238
"Family Educational Rights and Privacy Act of 1974," shall make 1239
the report required in section 3319.45 of the Revised Code that 1240
a pupil committed any violation listed in division (A) of 1241
section 3313.662 of the Revised Code on property owned or 1242
controlled by, or at an activity held under the auspices of, the 1243
board of education, regardless of whether the pupil was sixteen 1244
years of age or older. The principal is not required to obtain 1245
the consent of the pupil who is the subject of the report or the 1246
consent of the pupil's parent, guardian, or custodian before 1247
making a report pursuant to section 3319.45 of the Revised Code. 1248

Section 2. That existing sections 149.381, 149.43, and 1249
3319.321 of the Revised Code are hereby repealed. 1250